

**COMMONWEALTH OF MASSACHUSETTS**

**SUFFOLK, ss.**

**BUILDING CODE APPEALS BOARD  
DOCKET NO. 11-1017**

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)  
UMass (Amherst),  
Appellant )  
)  
)

v. )  
)

Department of Public Safety  
(Commonwealth),  
Appellee )  
\_\_\_\_\_)

**BOARD'S DECISION ON APPEAL**

**Introduction**

This matter came before the State Building Code Appeals Board ("Board") on Appellant's appeal application filed pursuant to G.L. c.143, §100 and 780 CMR 122.1 ("Application"). Appellant is seeking a variance from International Existing Building Code ("IEBC") 102.2.1.2(1) and 780 CMR 916.1 (which require carbon monoxide protection) as part of interior renovations at MacKimmie Hall, an existing dormitory at UMass Amherst("Project").

**Procedural History**

On or about June 14, 2011, the Department of Public Safety ("DPS") issued a letter informing UMass Amherst that carbon monoxide detection must be provided as part of the Project in accordance with IEBC 102.2.1.2(1) and 780 CMR 916.1, and that the DPS decision may be appealed to the Board. The Board convened a public hearing on July 7, 2011, in accordance with G.L.c. 30A, §§10 & 11; G.L.c. 143, §100; 801 CMR 1.02; and 780 CMR 122.3. All interested parties were provided an opportunity to testify and present evidence.

**Discussion**

The Project involves sprinkler system and life-safety upgrading in a five-story university residence building. A natural gas-fueled emergency generator for the building is located in the open, approximately 40 feet distant from the building. Heating and domestic hot water is supplied to the building by a district steam heating system where steam heat is delivered to the building from a campus central heating plant. There is no vehicle parking within the building. Campus rules prohibit the use of fuel burning portable space heaters and prohibit the use of barbeque equipment in or near buildings.

In lieu of installing carbon monoxide detectors, Appellant proposed a compliance alternative where campus rules and security procedures continue to prohibit fuel-burning appliances and equipment within or near the building.

### Conclusion

The Board considered the following motion: to allow a variance from IEBC 102.2.1.2(1) and 780 CMR 916.1. The motion was **denied** by two to one vote.



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H. Jacob Nunnemacher  
(opposed)

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Douglas A. Semple, Chair  
(opposed)

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Alexander MacLeod

*Any person aggrieved by a decision of the State Building Code Appeals Board may appeal to Superior Court in accordance with G.L. c.30A, §14 within 30 days of receipt of this decision.*

DATED: October 17, 2011